

1 FOLGER LEVIN & KAHN LLP

Roger B. Mead (CSB No. 093251, rmead@flk.com))

2 Karen J. Petrulakis (CSB No. 168732, kpetrulakis@flk.com))

Andrew J. Davis (CSB No. 203345, ddavis@flk.com)

3 Embarcadero Center West

275 Battery Street, 23rd Floor

4 San Francisco, CA 94111

Telephone: (415) 986-2800

5 Facsimile: (415) 986-2827

6 Attorneys for Defendants Renn Transportation Company,

Renn Transportation, Inc., Brad Renn, Patricia Renn,

7 Ann Renn and Robert Renn

8 SEDGWICK, DETERT, MORAN & ARNOLD LLP

STEVEN D. ROLAND (Bar No. 108097)

9 RANDALL G. BLOCK (Bar No. 121330)

TARA L. CONDON (Bar No. 215312)

10 One Market Plaza, Steuart Tower, 8th Floor

San Francisco, California 94105

11 Telephone: (415) 781-7900

Facsimile: (415) 781-2635

12 Attorneys for Plaintiff Caterpillar Inc.

13
14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 SAN JOSE DIVISION

17
18 CATERPILLAR INC., a Delaware
Corporation,

19 Plaintiff,

20 v.

21 RENN TRANSPORTATION COMPANY,
22 a California General Partnership, Renn
Transportation, Inc., a California
23 Corporation, BRAD RENN, GERALD
RENN, and PATRICIA RENN, ANN
24 RENN and, ROBERT RENN, individuals,
and Does 1-10,

25 Defendants.
26
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Case No. 5:06-CV-04529

**STIPULATION AND PROPOSED ORDER
FOR RELIEF FROM SCHEDULING
ORDER**

(Local Rule 16-2(D))

1 By signatures of their counsel to this Stipulation, the parties to this action stipulate that the
2 deadlines set forth in this Court's March 8, 2006 Scheduling Order may be continued as set forth
3 in the schedule below.

4 The parties desire to continue the dates set forth in the Scheduling Order for the following
5 reasons:

6 1. On March 20, 2007, the parties conducted an all day mediation session before the
7 Hon. Ellen Sickles James at JAMS. Although the March 20, 2007 mediation did not resolve the
8 dispute, the parties agreed to reconvene for a second mediation session on May 3, 2007. Counsel
9 for all parties desire to devote their time, energies, and resources to trying to resolve this matter,
10 rather than expend resources conducting tasks necessary to comply with the rapidly approaching
11 deadlines (including discovery, expert witness, and dispositive motion deadlines) set forth in the
12 Court's March 8, 2007 Scheduling Order.

13 2. Additionally, on February 15, 2007, Plaintiffs filed a Third Amended Complaint,
14 in which a new party, Renn Transportation, Inc., was added as a Defendant. The Defendants have
15 yet to respond to the Third Amended Complaint, which pursuant to the Court's February 15, 2007
16 Order is not due until April 2, 2007.

17 3. This Stipulation and Proposed Order is not interposed for purposes of delay but in
18 the interests of justice and the resolution of the controversies herein.

19 Case Schedule

20 4. Counsel for all parties have conferred with respect to these matters, and all parties
21 agree to continue the dates set forth in the Court's prior Schedule by six weeks, resulting in the
22 following Case Schedule:

23 Defendants' Response to Third	May 14, 2007 (continued from April 2, 2007)
24 Amended Complaint	
25 Disclosure of Expert Witnesses	July 2, 2007 (continued from May 21, 2007)
26 Rebuttal Expert Witness Disclosures	July 23, 2007 (continued from June 11, 2007)
27 Last Day For Hearing On Objections To	August 27, 2007 (continued from July 16, 2007)
28	

Qualifications Or Testimony Of Expert

Close of All Discovery **September 3, 2007** (continued from July 23, 2007)

Last Day For Hearing Dispositive Motions **October 8, 2007** (continued from August 27, 2007)

Preliminary Pretrial Conference at 11:00 a.m. **December 3, 2007** (continued from October 22, 2007)

Preliminary Pretrial Conference Statements **November 21, 2007** (continued from October 12, 2007)

Dated: March 23, 2007

FOLGER LEVIN & KAHN LLP

/s/ Karen J. Petrulakis

Karen J. Petrulakis

Attorneys for Defendants

Renn Transportation Company, Renn Transportation,
Inc. Brad Renn, Patricia Renn, Ann Renn and Robert
Renn

Dated: March 23, 2007

SEDGWICK, DETERT, MORAN & ARNOLD LLP

/s/ Randall G. Block

Randall G. Block

Attorneys for Plaintiff Caterpillar, Inc.

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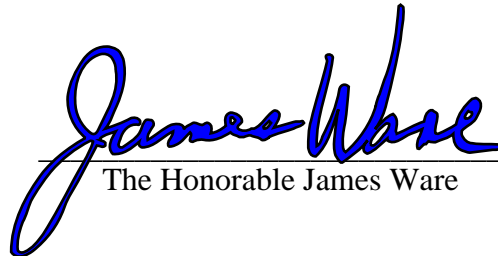
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[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that the schedule set forth in this Stipulation and Proposed Order is hereby adopted by the Court and the parties are ordered to comply with this Order.

Dated: March 26, 2007


The Honorable James Ware

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